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### REMARKS

After entry of this Amendment, claims 1-18 are pending in the application. Claims 1-18 stand rejected by the Examiner. Paragraphs [0037], [0038], [0043], [0044], and [0075] have been amended to correct typographical errors. Claims 1, 3-5, 11, 15, and 18 have been amended to correct typographical errors and to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. For the reasons set forth hereafter, it is respectfully submitted that Applicants' invention in claims 1-18 includes features which are not anticipated by the cited references. Reconsideration is therefore, respectfully requested.

Claims 15-18 stand rejected under 35 U.S.C. §112, ¶2 as being incomplete for omitting essential steps. Claims 15 and 18 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Reconsideration of this rejection is respectfully requested.

In the Office Action dated March 6, 2006, claims 1, 2, 8, 9, 12, and 14-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wade. The Examiner submits that Wade discloses all of the elements of the claims listed above. It is respectfully submitted that Wade does not anticipate, teach, or suggest Applicants' invention as set forth in claims 1, 2, 8, 9, 12, and 14-18.

Applicants' invention as set forth in independent claims 1, 15, and 18 includes a heating means that is insert molded in direct contact with a thermally conductive mass. As recited in claim 2, the heater apparatus also includes a control means for activating the heating means and which is connected to the heating means. As recited in claim 9, which includes by dependency the features of claims 1 and 8, the heating means is in direct contact with the thermally conductive mass over a substantial portion of the outer surface of the heater means. Claim 17, which is dependant on claim 15, further recites casting the thermally conductive mass using a sub-liquidous temperature material.

The Wade reference discloses a heater apparatus having a heating element 12 that is disposed in an insulating material 13. The insulating material 13 is a material that is resistant to the passage of electrical current. Page 1, ll. 55-59 and Fig. 3. The heating element 12 and insulation material 13 is disposed recess formed in the casing 10 and is insulated from the casing 10 by insulations 16 and 17. Page 1, ll. 64-66 and Fig. 1. The Wade reference fails disclose the use of an insert molded heating means in direct contact with a thermally conductive mass. Therefore, it is

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respectfully submitted that Applicants' invention as set forth in claims 1, 2, 8, 9, 12, and 14-18 is not anticipated by Wade.

Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wade in view of Bochud. The Examiner submits that Wade does not insert mold the heating elements in the thermally conductive mass. The Examiner cites Bochud for teaching these features and contends that it would have been obvious to modify Wade to include these features of Bochud.

Claims 15-18 recite a method for making a heater apparatus for heating fluid. The method includes insert molding a heater means in a thermally conductive mass such that a substantial portion of the heater means is in direct contact with the mass. The Wade reference discloses a heater element 12 disposed in a material 13 resistant to the passage of electric current. The combination of the heater element 12 and the insulating material 13 is disposed in a recess formed in the casing 10 between insulations 16 and 17 so that the heater element does not contact the casing 10. The Wade reference clearly discloses that the heater element must be insulated from the casing 10 by insulating material 13, which is resistant to electrical current, and insulation 16 and 17 so that the heater element "does not come into contact with the casing." Page 1, ll. 64-68. The Bochud reference discloses injection molding aluminum wherein the aluminum entirely surrounds the heating bodies. However, modifying the Wade reference in view of the teachings of the Bochud reference would not render a heater means inserted molded in a thermally conductive mass, with a substantial portion of the heater means in direct contact with the mass as recited in claims 15-18. Reconsideration of the rejection is requested.

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wade in view of Cassidy. The Examiner submits that Wade does not insert molding the heating elements in the thermally conductive mass. The Examiner cites Cassidy for teaching these features and contends that it would have been obvious to modify Wade to include these features of Cassidy. Claims 2-4 include by dependency the subject matter of claim 1, which includes a heating means that is insert molded in direct contact with a thermally conductive mass. Cassidy is cited only for its disclosure of control means used to control the heater element of a wearable intravenous fluid heater apparatus. The apparatus in Cassidy a resistive heating element 120 that is physically separated from a copper or aluminum heat sink 136 by an electrically insulating material 134. Col. 6, ll. 57-59 and Fig. 5. Cassidy does not disclose a heating means insert molded in direct contact with a thermally

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conductive mass. It is respectfully submitted that the Examiner has not made a *prima facie* case of obviousness to support a rejection of Applicants' invention set forth in claims 2-4 based on any permissible combination of Wade and Cassidy. The modification of the apparatus disclosed in the Wade reference, by adding the features of Cassidy, still lacks an insert molded heating means in direct contact with the thermally conductive mass as set forth by the Applicants in claim 1, which is included by dependency in claims 2-4. Reconsideration of this rejection is respectfully requested.

Claims 5-7 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wade in view of Rocchitelli. The Examiner submits that Wade does not disclose a control means connected to the heating means for activating the heating means and a thermally conductive medium coupled in heat transfer relationship between at least a portion of the control means and the thermally conductive. The Examiner cites Rocchitelli for teaching these features and contends that it would have been obvious to modify Wade to include these features of Rocchitelli.

Claims 5-7 and 10-11 include by dependency the subject matter of claim 1, which includes a heating means that is insert molded in direct contact with a thermally conductive mass. Rocchitelli discloses a body 1 made of a poor heat conductor that is divided into two halves 22, 23, each having a channel connected to a duct 26, 27. Col. 3, ll. 26-35. Each channel is closed on one side by a cover 28, 29 having a high heat transmission coefficient, Col. 3, ll. 36-39. Only one side of the channel is in contact with a thermally conductive material. The channels are not formed in thermally conductive mass. A thermistor 36 is mounted in close contact between the two plate covers 28, 29 to provide heat to the plates 28, 29. Col. 3, ll. 53-54. The thermistor is not insert molded in direct contact with the thermally conductive plates. For the same reasons presented above with respect to the patentability of claims 2-4, it is respectfully submitted that the Examiner has not made a *prima facie* case of obviousness to support a rejection of claims 5-7 and 10-11 over Wade and Rocchitelli, taken either singly or in combination. Like Wade and Cassidy, the combination of Wade and Rocchitelli is devoid of any insert molded heating means in direct contact with the thermally conductive mass. It is respectfully submitted that Applicants' invention as set forth in claims 5-7 and 10-11 patentably defines over any permissible combination of Wade and Rocchitelli. Reconsideration of the rejection is respectfully requested.

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Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wade in view of Rocchitelli and further in view of Gusmer. The Examiner submits that the combination of Wade and Rocchitelli does not disclose positioning an O-ring gasket between a closure and the mass. The Examiner cites Gusmer for teaching this feature and contends that it would have been obvious to modify Wade to include the features of Rocchitelli and Gusmer.

Claim 13 includes by dependency the subject matter of claims 1 and 12, including heating means insert molded in direct contact with a thermally conductive mass. Gusmer is relevant only for its disclosure of an o-ring seal 15 disposed in a complimentary groove 13 surrounding a group of fluid grooves 7. The o-ring 15 is used for forming a continuous seal between the heater block 1 and the spring metal plate 17 in a fluid heating system. Col. 2, ll. 16-22 and Fig. 1. The heater block 1 which is in close contact with heater elements 5 and a fluid is heated as it is circulated through the plurality of grooves 3, 7. Col. 1, ll. 41-46 and col. 2, ll. 51-56. For the same reasons presented above with respect to the patentability of claims 2-4 and the patentability of claims 5-7 and 10-11, it is respectfully submitted that the Examiner has not made a *prima facie* case of obviousness to support a rejection of claim 13 over Wade, Rocchitelli, and Gusmer taken either singly or in combination. Like the combination of Wade and Rocchitelli, the addition of Gusmer to the combination is still devoid of any insert molded heating means in direct contact with the thermally conductive mass. It is respectfully submitted that Applicants' invention as set forth in claim 13 patentably defines over any permissible combination of Wade, Rocchitelli, and Gusmer. Reconsideration of the rejection is respectfully requested.

In conclusion, for the reasons set forth above, it is respectfully submitted that Applicants' invention as set forth in claims 1-18 includes features which are not anticipated, taught, or suggested by the cited reference, either taken

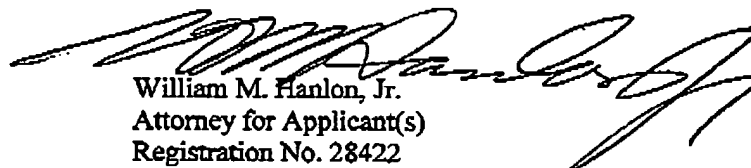
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singly or in combination. It is submitted that all of the pending claims are in condition for allowance; notice of which is respectfully requested.

Respectfully submitted,

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